THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11553 of 2007

Dated:11.06.2007

Between:

G.S.N.Prasad.

…Petitioner

and

The Deputy Director of Survey & Settlement.

…Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.11553 of 2007

ORDER:

The petitioner is an Ex-Serviceman. He is statedly retired as Wing Commander in Indian Air Force. He purchased land admeasuring 1449 square yards in Survey No.129/71 (new survey No.144), Road No.2, Banjara Hills, Hyderabad. Out of this extent, the Municipal Commissioner of Hyderabad appears to have acquired 257 square yards for widening the road. Subsequently, another extent of 119.16 square yards was acquired for the same purpose. The petitioner made a representation on 23.01.2007 to the respondent to demarcate the land that remained after acquisition, in vain. Hence, he seeks a direction to the respondent for that purpose.

Andhra Pradesh Survey and Boundaries Act, 1923, has no application to the land, which is not mainly used for the purpose of agriculture. I n **Khaja Naseeruddin v. Commissioner, Survey, Settlement and Land Records, Hyderabad**[1] this Court has considered this aspect of the matter and after referring to provisions of the said Act, observed as under.

> When the arguments commenced in these two cases, the Court entertained a doubt as to whether the Survey Act can be made applicable to survey of residential plots in towns, municipalities and municipal corporations and other urban areas. The matter was adjourned more than half a dozen times to enable learned counsel for petitioners and the learned Assistant Government Pleader to get instructions on this point. All the learned counsel admit that the **Survey Act is**

mainly intended for survey of Government lands and Estate lands and that it has no application when survey is conducted by appropriate authority in respect of the plots earmarked for housing purposes.

(emphasis supplied)

Therefore, the respondent has to consider the application in the light of the survey manual under which the survey of a residential plot can be taken, and pass appropriate orders on the representation of the petitioner. Of late, there have been number of cases filed in this Court seeking a direction to the Officials in the Survey and Land Records Office as well as Revenue Officials to take up survey and demarcation. In that view of the matter, no time can be fixed for completion of the work. The petitioner may pursue the matter with the respondent.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

11.06.2007

Note: Issue C.C in one week.

B/o.

vs

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[1] 2007 (1) ALD 191